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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,560	05/26/1999	PHILIP A. DAFESH	D-362	1605

7590 12/21/2001

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EXAMINER

JIANG, LENNY R

ART UNIT PAPER NUMBER

2634

DATE MAILED: 12/21/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/318,560

Applicant(s)

DAFESH ET AL.

Examiner

Lenny Jiang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1, 6, 8, 10, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This application is in condition for allowance except for the following formal matters:

- a. The abstract of the disclosure is objected to because in Line 9, "envelop" should be changed to --envelope--. Correction is required. See MPEP § 608.01(b).
- b. The disclosure is objected to because of the following informalities: on Page 1 Line 21, the serial numbers for the application should be inserted. Page 2 Line 26, "an" should be deleted. Claim 12 Line 8, --is-- should be inserted before "to". Page 12 Line 19, "on to" should be changed to --onto--. Page 14 Line 9, "the" should be changed to --for--. Appropriate correction is required.
- c. Claims 1, 6, 8, 10, 18 and 19 are objected to because of the following informalities: in Claim 1 Line 33, "envelop" should be changed to --envelope--. Claim 6 Line 2, "for" should be deleted. Claim 8 Line 6, "an" should be changed to --a--. Claim 8 Line 8, "an" should be changed to --a--. Claim 8 Line 9, "an" should be changed to --a--. Claim 8 Line 31, "an" should be changed to --a--. Claim 8 Line 41, "envelop" should be changed to --envelope--. Claim 10 Line 1, "for" should be deleted. Claim 18 Line 1, "of the" should be changed to --of--. Claim 19 Line 38, "envelop" should be changed to --envelope--. Appropriate correction is required.

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Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Parker (U.S. Patent Number 3,764,731), Tesler (U.S. Patent Number 3,896,487), Limberg et al. (U.S. Patent Number 5,461,426), Haines (U.S. Patent Number 5,469,469), Kumar (U.S. Patent Number 5,748,677), Kumar (U.S. Patent Number 5,949,796), and Kumar (U.S. Patent Number 6,246,698) are made of reference as describing related communication systems. However, the prior art fail to teach or suggest, in combination, an encoder, an encoded subcarrier modulation signal generator and a modulator, in order to form a system for modulation DS data on an I phase communicating DI data and on a Q phase communicating DQ data, with all of the limitations of independent apparatus Claims 1 and 8 and further limitations of dependent Claims 2-7 and 9-20, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lenny Jiang whose telephone number is (703)308-6740. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (703)305-4714. The fax phone numbers


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for the organization where this application or proceeding is assigned are (703)746-5923
for regular communications and (703)746-5923 for After Final communications.

Lenny Jiang



December 14, 2001



STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
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